

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
OLLY NEAL, Judge

DIVISION I

CA06-152

September 20, 2006

JERRI MICHELLE CLEMMERSON
APPELLANT

v.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES
APPELLEE

AN APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[JN 05-890]

HONORABLE JOYCE WILLIAMS
WARREN, JUDGE

REBRIEFING ORDERED

This appeal arises from an order of the Pulaski County Circuit Court granting appellee Arkansas Department of Human Services' petition to terminate Jerri Clemmerson's parental rights as to her son A.C. Pursuant to *Linker-Flores v. Arkansas Department of Human Services*, ___ Ark. ___, ___ S.W.3d ___ (Oct. 7, 2004), and Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, Clemmerson's counsel, after a conscientious review of the record, has tendered a motion to withdraw on the ground that this appeal is wholly without merit. The motion was accompanied by a brief purportedly presenting a thorough and professional evaluation of the record and discussing all matters in the record that might arguably support an appeal, including the adverse rulings, and a statement as to

why counsel considers each point raised as incapable of supporting a meritorious appeal. Clemmerson was served a copy of her counsel's brief and motion and was notified of her right to file pro se points for reversal. Clemmerson has elected not to file pro se points. We order rebriefing because counsel has failed to address all the adverse rulings that occurred during the termination hearing.

Rule 4-3(j)(1) of the Arkansas Supreme Court Rules provides:

A request to withdraw on the ground that the appeal is wholly without merit shall be accompanied by a brief including an abstract and Addendum. The brief shall contain an argument section that consists of a list of all rulings adverse to the defendant made by the circuit court on all objections, motions and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal.

In the present case, our review of the record reveals that counsel failed to discuss Clemmerson's relevancy objection that was raised during the guardian ad litem's questioning of Clemmerson (Abstract 90). Because this adverse ruling was not discussed, counsel's brief fails to comply with the requirements of Rule 4-3(j). We also urge counsel to revisit whether the issue of Clemmerson's competence would be better served in a merit appeal. Accordingly, we deny counsel's motion to withdraw and order rebriefing.

Rebriefing ordered.

HART and VAUGHT, JJ., agree.